

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

|                        |   |                                        |
|------------------------|---|----------------------------------------|
| -----X                 | : |                                        |
| BOOST WORLDWIDE, INC., | : | Case No. 12-CV-10611                   |
|                        | : |                                        |
| Plaintiff,             | : | JUDGE NANCY G. EDMUNDS                 |
|                        | : |                                        |
| v.                     | : | <b><u>APPLICATION FOR ORDER TO</u></b> |
|                        | : | <b><u>APPEAR AND SHOW CAUSE</u></b>    |
|                        | : |                                        |
|                        | : |                                        |
| UNLIMITED WIRELESS,    | : |                                        |
|                        | : |                                        |
| Defendant.             | : |                                        |
| -----X                 | : |                                        |

NOW COMES Plaintiff Boost Worldwide, Inc., (“Boost” or “plaintiff”) by and through its attorney, William Farah, Esq., and for its Application for an Order to Appear and Show Cause, hereby states as follows:

1. On June 29, 2012 this Court entered an Order granting Default Judgment (the “Default Judgment Order”), in favor of Boost and against defendant Unlimited Wireless (“Unlimited” or “Defendant”) (Certification of Marc D. Youngelson, Esq., executed on April 22, 2013, and attached hereto as Exhibit A.)

2. Pursuant to the Default Judgment Order, Defendant was:

- a. Permanently enjoined and restrained from the unauthorized use of the Boost Marks at any location at which Defendant is doing business; and
- b. Required to promptly (i) remove any and all existing signage and destroy all advertising, displays, literature and other materials bearing the Boost Marks; (ii) cease and desist the use of the Boost Marks in any signage, advertising, displays, literature and other materials going forward; (iii) cease and desist the sale of Boost handsets and other Boost

products going forward; and (iv) cease and desist the sale of replenishment minutes, or Re-Boost minutes, for Boost handsets and other products going forward;

3. Pursuant to 15 U.S.C. § 1116, the Default Judgment Order also required defendant to file with the Court, and serve on Plaintiff, a written report under oath detailing the manner in which defendant has complied with the injunction entered by the Court,;

4. Pursuant to 15 U.S.C. § 1117, the Default Judgment Order also awarded plaintiff (i) its reasonable attorneys' fees in the amount of \$3,500; and (ii) its costs in the amount of \$871, for a total Judgment against defendant entered in the amount of \$4,371.00.

5. By letter dated September 5, 2012, Boost served the default Judgment Order on defendant. (Youngelson Cert. attached hereto as Exhibit B.)

6. Defendant has failed to comply with the foregoing requirements of the Default Judgment Order. (Certification of Michael Huntsman, executed on April 18, 2013, and attached hereto as Exhibit C)

7. Due to defendant's failure to comply with the Default Judgment Order, Boost requests the issuance of an Order requiring defendant to appear and show cause why it should not be held in contempt of this Court's June 29, 2012 Default Judgment Order.

Plaintiff requests that this Court accept and enter the Proposed Order against the Defendant in this matter.

Respectfully submitted,

Dated: April 23, 2013

By: /s/ William Farah  
William Farah, Esq.  
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